

Notice of Allowability

Application No.

09/470,216

Applicant(s)

MCINTYRE ET AL

Examiner

Art Unit

Robert M. Pond

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief entered 16 March 2005 and Examiner's Amendment (Paper #20050901).
2. ☒ The allowed claim(s) is/are 1,4-9,77 and 79-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20050902</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in a series of telephone interviews with Mr. Frank Pincelli, Reg. #27,370 concluding on 02 September 2005.

Allowed Claims

Claims 1, 4-9, 77, and newly added claims 79-85 are allowable over the prior art of record. Claims 2, 3, 10-16 and 78 were canceled due to this Examiner's amendment. Claims 17-76 were withdrawn.

In the Claims

The claims as amended on 20 April 2004 have been amended as follows:

- Delete claims 2, 3, 10-16, and 78 in their entirety.
- Delete claims 17-76 in their entirety.
- Delete claims 1, 4-9, and 77 in their entirety and insert therefore claims 1, 4-9, 77, and newly added claims 79-85:

- - 1. A method for automatically providing at least one goods and/or service by a service provider to a customer with respect to a plurality of customer provided images, comprising the steps of:
 - providing a database by said service provider for storing digital images with respect to a customer account associated with said customer that is accessible by said customer over a communication network;
 - providing at least one image on behalf of said customer to said service provider that is stored on said database and is associated with said customer account; and
 - automatically providing a goods and/or service to a recipient designated by said customer incorporating said plurality of customer provided images stored on said database after reaching a predetermined criteria established with respect to said customer account prior to receipt of the images by said service provider that are required to provide said goods and/or service wherein said predetermined criteria is a predetermined time period.
- 4. A method according to claim 1 wherein said at least one image is obtained from scanning a first roll of photographic film.
- 5. A method according to claim 4 further comprising the step of providing a unique ID with respect to said first roll of photographic film.
- 6. A method according to claim 5 further comprising the step of registering said customer with respect to said unique ID that can be used in identifying said at least one image.
- 7. A method according to claim 6 further comprising the step of automatically providing a subsequent roll of photographic film in response to said service provider receiving said first roll of photographic film for development.

8. A method according to claim 1 further comprising the steps of allowing remote Internet access to said at least one image for review by said customer.

9. A method according to claim 8 further comprising the steps of providing computer software to said customer for allowing the customer to modify said at least one image prior to providing said goods and/or service.

77. A method for automatically providing at least one goods and/or service by a service provider to a customer with respect to a plurality of customer provided images, comprising the steps of:

providing a database by said service provider for storing said plurality of customer provided images in a digital format with respect to a customer account associated with said customer, said customer account having associated therewith a predetermined criteria selected by said customer for providing at least one goods and/or service with respect to images to be later received by said service provider for storage on said database;

providing to said service provider at least one image on behalf of said customer that is stored on said database and associated with said customer account; and

automatically providing said at least one goods and/or service incorporating said plurality of customer provided images to a recipient designated by said customer after reaching said predetermined criteria established prior to receipt of the customer provided images required to provide said at least one goods and/or service wherein said predetermined criteria is a predetermined time period.

79. A method for automatically providing at least one goods and/or service by a service provider to a customer with respect to a plurality of customer provided images, comprising the steps of:

- providing a database by said service provider for storing said plurality images in a digital format with respect to a customer account associated with said customer, said customer account having associated therewith a predetermined criteria selected by said customer for providing at least one goods and/or service with respect to customer provided images to be later received by said service provider for storage on said database;

- providing to said service provider at least one image on behalf of said customer that is stored on said database and associated with said customer account; and

- automatically providing said at least one goods and/or service incorporating said plurality of customer provided images to a recipient designated by said customer after reaching said predetermined criteria established prior to receipt of the images required to provide said goods and/or service wherein said predetermined criteria is a predetermined number of images received from two or more sources.

80. A method for automatically providing at least one goods and/or service by a service provider to a customer with respect to a plurality of customer provided images, comprising the steps of:

- providing a database by said service provider for storing digital images with respect to a customer account that is accessible by said customer over a communication network;

- providing at least one image on behalf of said customer to said service provider that is stored on said database and is associated with said customer account; and

- automatically providing said at least one goods and/or service to a recipient designated by said customer incorporating said plurality of customer

provided images stored on said database after reaching a predetermined criteria established with respect to said customer account prior to receipt of the customer provided images by said service provider that are required to provide said at least one goods and/or service wherein said predetermined criteria is a predetermined number of images received from two or more sources.

81. A method according to claim 80 wherein said at least one image is obtained from scanning a first roll of photographic film.

82. A method according to claim 81 further comprising the step of providing a unique ID with respect to said first roll of photographic film.

83. A method according to claim 82 further comprising the step of registering said customer with respect to said unique ID that can be used in identifying at least one image.

84. A method according to claim 83 further comprising the step of automatically providing a subsequent roll of photographic film in response to said service provider receiving said first roll of photographic film for development.

85. A method according to claim 80 further comprising the steps of allowing remote Internet access to one or more customer provided images for review by said customer.- -

In the Specification

The specification as amended on 24 November 2003 has been amended as follows:

- Page 9, line 24, delete "internet" and insert therefore: - -Internet- -
- Page 9, line 24, before "32" insert therefore: - -(ISP)- -
- Page 10, line 7, delete "43" and insert therefore: - -(customer database 43)- -
- Page 10, line 21, delete "URL 20." and insert therefore: - -URL 20,- -
- Page 10, line 22, delete "The" and insert therefore: - -the- -
- Page 11, line 10, delete "3b 3c" and insert therefore: - -3b-3c- -
- Page 13, line 24, delete "internet" and insert therefore: - -Internet- -
- Page 14, line 24, delete "internet" and insert therefore: - -Internet- -
- Page 15, line 6, before "provided" insert therefore: - -be- -
- Page 17, line 18, after "." delete "."
- Page 18, line 3, delete "in yet"
- Page 18, line 7, after "film registration database" delete "96" and insert therefore: - -121- -
- Page 18, line 20, after "database" delete "96" and insert therefore:
- -121- -
- Page 20, line 11, after "address" insert therefore: - -111- -
- Page 20, line 18, after "either steps" delete "114" and insert therefore:
- -112- -

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- Page 20, line 19, delete "115" and insert therefore: - -114- -
- Page 22, after table cell labeled "12. image retaining device" insert table cell labeled therefore: - -14. film cartridge- -
- Page 22, table cell labeled "14a.-14i film cartridge" delete "cartridge" and insert therefore: - -cartridges- -
- Page 22, after table cell labeled "19. magnetic strip reader" insert table cell labeled therefore: - -20. URL- -
- Page 22, after cell labeled "40. computer" insert table cell labeled therefore: - -image database- -
- Page 22, table cell labeled "44. customer info. data section" delete "44. customer info. data section" and insert therefore - -43. customer database- -
- Page 22, before table cell labeled "47. verification screen" insert table cell labeled therefore: - -46. verification screen- -
- Page 22, after table cell labeled "56. section" insert table cell labeled therefore: - -62. scanner- -
- Page 22, after table cell labeled "110. box" insert table cell labeled therefore: - -111. box- -
- Page 22, table cell labeled "115. step" deleted "115" and insert therefore: - -116- -

- Page 22, before table cell labeled "120. step" insert table cell labeled therefore: - -118. step- -
- Page 22, after table cell labeled "120. step" insert table cell labeled therefore: - -filmstrip registration database- -

In the Abstract

Delete the Abstract entered on 22 December 1999 in its entirety and insert therefore:

- - A system and method for organizing images obtained from at least one image retaining device having a unique identification. The system includes a computer having a database for storing digital images and a management section for managing customer orders and stored digital images. The management section is capable of receiving and storing a unique identification of at least one image retaining device and registering the image retaining device to a customer account. After reaching a predetermined period of time or number of images obtained from image sources, the system automatically provides a product and/or service to a recipient designated by the customer incorporating the plurality of customer provided images.- -

In the Drawings

The following changes to the drawings as amended on 24 November 2003 have been approved by the Examiner and agreed upon by Applicant:

- In Figure 4, draw a line that extends from the image retaining device and in proximity to the end of the extended line label therefore: - -12- -
- In Figure 4, draw a line that extends from "/user 123" on display device 66 and extends outside the display device and in proximity to the end of the extended line label therefore: - -20- -
- In Figure 4, delete "CUSTOMER DATABASE 44" and insert therefore: - -CUSTOMER DATABASE 43- -
- In Figure 5, delete "INTERNET SERVICE PROVIDER" and insert therefore: - -ISP- -
- In Figure 6, delete "INTERNET SERVICE PROVIDER" and insert therefore: - -ISP- -
- In Figure 7, delete "INTERNET SERVICE PROVIDER" and insert therefore: - -ISP- -
- In Figure 8, delete "INTERNET SERVICE PROVIDER" and insert therefore: - -ISP- -
- In Figure 8, delete "PACKAGE/FILMSTRIP REGISTRATION DATABASE" and insert therefore: - -PACKAGE REGISTRATION DATABASE- -
- In Figure 8, add a box inside box labeled as "COMPUTER" that resides inside the box labeled "FILM PACKAGING" and label therefore: - - FILMSTRIP REGISTRATION DATABASE- -

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- In Figure 8, draw a line that extends from inside added box as noted above and labeled as "FILMSTRIP REGISTRATION DATABASE" and extend the line outside the box labeled "FILM PACKAGING" and in proximity to the end of the extended line label therefore: - -121 - -
- In Figure 10, delete "12" and insert therefore: - -111- -

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowability

The following is an examiner's statement of reasons for allowance:

The field of the invention pertains to image capture and storage, and in particular to a system and method for providing a product and/or service to a customer based on customer provided images.

Claims 1 and 77: no prior art of record neither discloses nor teaches a method of automatically providing a product and/or service to a customer using images submitted by the customer during a predetermined period of time that is established prior to the customer submitting the images. After reaching the predetermined period of time, the customer provided images that are accumulated during the predetermined time period are used to create the customer's product for a recipient or used in providing a service for a recipient designated by the customer.

Claims 79 and 80: no prior art of record neither discloses nor teaches a method of automatically providing a product and/or service to a recipient designated by a customer using a predetermined criteria that is established prior to the customer submitting the images for processing. After reaching the predetermined criteria of the number of images (from at least two from two or more image sources), the customer provided images are used to create the customer's product for a recipient or are used in providing a service for a recipient designated by the customer.

The closest prior art PhotoNet does not teach or suggest predetermined criteria that is established prior to a customer submitting images to a service provider, whereby after reaching the predetermined criteria (time period or plurality of digital images from two or more sources) automatically providing a product to a recipient or providing a service to a recipient designated by the customer that uses a customer's supplied images.

Neither PhotoNet nor prior art cited in combination with PhotoNet disclose, teach or suggest the claimed invention.

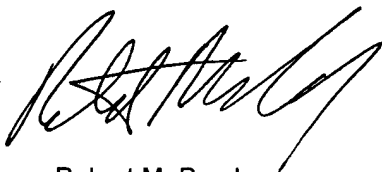
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond
Primary Examiner
September 6, 2005